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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10 SAN JO		SE DIVISION
11	UNITED STATES OF AMERICA,	) No. CR 09-00670 JW
12	Plaintiff,	) STIPULATION TO CONTINUE
13	v.	HEARING AS TO DAVID FOLEY AND EXCLUDE TIME; [PROPUSED] ORDER
14		
15	Defendants.	
16	——————————————————————————————————————	
17	Defendant David Foley and the government, through their respective counsel, hereby	
18	stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,	
19	presently scheduled for Monday, May 3, 2010 at 1:30 p.m., be continued to Monday, June 7,	
20	2010, at 1:30 p.m. The continuance is requested because the defense has conducted an evidence	
21	view of materials in paper format, but requires additional time to review computer media at the	
22	FBI's Menlo Park facility, and is arranging to conduct that review in May. Additionally, the	
23	defense is preparing an index of the discovery, and intends to make further discovery requests	
24	after completing its index.	
25	The parties further agree that time should be excluded under the Speedy Trial Act, 18	
26	U.S.C. § 3161(h)(8)(A), because the defense requires time for effective preparation and	
	STIPULATION TO CONTINUE HEARING DATE; [PROPOSED] ORDER No. CR-09-00670 JW	1

## 1 investigation, and the ends of justice outweigh the defendant's and the public's need for a speedy 2 trial. 3 Dated: 4/27/10 LARA S. VINNARD 4 Assistant Federal Public Defender 5 Dated: 4/27/10 6 RICHARD CHENG 7 **Assistant United States Attorney** 8 [REOPOSED] ORDER 9 Defendant David Foley and the government have jointly requested a continuance of the 10 11 hearing set for Monday, May 3, 2010, to allow time for defense investigation and preparation. 12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date 13 presently set for Monday, May 3, 2010, be continued to Monday, June 7, 2010, at 1:30 p.m. 14 Pursuant to the parties' stipulation, and based on the defense's need for additional time 15 for investigation and preparation, the Court finds that the ends of justice served by the granting of 16 the continuance outweigh the best interests of the public and the defendant in a speedy trial. 17 Accordingly, IT IS FURTHER ORDERED that the period of time from May 3, 2010, to June 7, 18 2010, shall be excluded from the period of time within which trial must commence under the 19 Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A). April 30, 2010 20 Dated: 21 States District Judge

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